



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

BJG

Docket No: 2366-00

2 June 2000

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps, dated 3 May 2000, a copy of which is attached. They also considered your rebuttal letter dated 22 May 2000 with enclosures.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. They found it definitely unlikely that the result of the Fiscal Year 2001 Lieutenant Colonel Selection Board would have changed, had the defects you noted in your performance record been corrected. Further, they noted that while you assert that your record was "regularly monitored," such monitoring must have been insufficient to alert you to the defects in your record as it appeared when you were considered by the promotion board. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

2366-00

IN REPLY REFER TO:

1600
MMAA-4
3 May 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR PETITION FOR MAJOR [REDACTED]
[REDACTED] USMC

Ref: (a) MMER Request for Advisory Opinion in the case of
Major [REDACTED] USMC
of 24 Apr 00

1. Recommend disapproval of [REDACTED] request for removal of his failure of selection.
2. Per the reference, we reviewed [REDACTED] record and petition. He failed selection on the FY01 USMC Lieutenant Colonel Selection Board. [REDACTED] requests removal of his failure of selection based on administrative errors in his Official Military Personnel File.
3. In our opinion, Major [REDACTED] request does not reflect a material change in his record as it appeared before the FY01 Board. His record received a substantially complete and fair evaluation by the Board and his petition is without merit. Therefore, we recommend disapproval of [REDACTED] request for removal of his failure of selection.
4. Point of contact is [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Lieutenant Colonel, U.S. Marine Corps
Head, Officer Career Counseling and
Evaluation Section
Officer Assignment Branch
Personnel Management Division